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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,848	07/10/2006	Vincenzo Di Giorgio	09953.0002	7746
22852	7590	10/08/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER TRAN, QUOC DUC	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/565,848

Applicant(s)

DI GIORGIO ET AL.

Examiner

Quoc D. Tran

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24-28, 30-38 and 40-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhagat et al (5,559,862).

Consider claims 24, 35 and 45-46, Bhagat et al teach a system and method for processing a calling line identity presentation supplied by a communication network to a called user following a call made by a calling user in said communications network (see abstract), comprising the steps of: selectively identifying an identification code (i.e., long-distance or international prefixes) used by said called user for calling back said calling user (see col. 3 line 44 - col. 4 line 4; col. 4 line 45 – col. 5 line 13); and inserting said identification code into said calling line identity presentation supplied by said communication network to said called user following the call made by said calling user (see col. 4 lines 5-18; col. 5 lines 14-40).

Consider claim 25, Bhagat et al teach wherein an operator which can be used by said called user for calling back said calling user is associated with said identification code (col. 3 lines 30-42).

Consider claims 26 and 36, Bhagat et al teach wherein said operator which can be used by said called user is a long-distance operator (i.e., roaming) (col. 3 lines 30-42).

Consider claims 27-28 and 37-38, Bhagat et al teach wherein the step of inserting said identification code into said calling line identity presentation is omitted when said call made by said calling user to said called user is a local call or served by the same area prefix (col. 3 line 57 – col. 4 line 14). It should be noted that if the call back number is in the same calling area as the called party, no long-distance "1" or international "011" is added to the call back telephone number.

Consider claims 30 and 40, Bhagat et al teach the system and process comprising the step of identifying said operator which can be used by said called user for calling said calling user as the operator with which the called user is registered as a subscriber (col. 3 lines 30-42).

Consider claims 31 and 41, Bhagat et al teach the system and process comprising the step of identifying said operator which can be used by said called user for calling said calling user as a default operator in the absence of any selection made previously by said called user (col. 3 lines 36-38) It should be noted that the prestored SID is the default carrier (operator) of the cellular subscriber.

Consider claims 32 and 42, Bhagat et al teach wherein said call made by a calling user to said called user is selected from the group consisting of voice calls, data calls and message transmission (col. 1 lines 8-10).

Consider claims 33-34 and 43-44, Bhagat et al teach the system and process applied to a mobile communications network, in which users who can act as called users are served by a corresponding Home Location Register, comprising the step of storing said corresponding identification code which can be inserted into said calling line presentation in said corresponding Home Location Register and the step of inserting said corresponding identification code into said

calling line presentation even when said called user is in the roaming state (see col. 3 line 30 – col. 4 line 4). It should be noted that Bhagat et al inherently teach the Home Location Register and roaming facility (visitor location register) since Bhagat et al disclosed of cellular system and roaming capability.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagat et al (5,559,862) in view of Noplock (2002/0122550).

Consider claims 29 and 39, Bhagat et al did not clearly suggest the system and method further comprising the step of including a billing code in said identification code. However, Noplock teaches an automatic telephone dialer that configured to automatically inserts carrier code or dial-around prefix (i.e., billing code) used for billing of the any call initiated (see abstract; paragraph 0007). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Noplock into view of Bhagat et al in order for charging for the call initiated or call back by the called party through any preferred providers (such as dial-around providers).

Response to Arguments

5. Applicant's arguments with respect to claims 24-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc D Tran/
Primary Examiner, Art Unit 2614
October 7, 2008